

could operate on 775-776 MHz/805-806 MHz and some could not.”<sup>1</sup> As confirmed by the Commenters, permitting the temporary authorization, acquisition and use of multi-band equipment on these systems and in the 775-776 MHz/805-806 MHz band during the waiver terms will help achieve and sustain public safety interoperability by conveying a host of significant technical and operational benefits as well as financial benefits.<sup>2</sup> Accordingly, the Commission should grant the Waiver Request, subject to the conditions discussed below.

## **2. The Waiver Should be Extended to All Manufacturers**

ITTF COMM, together with the other Commenters, supports extension of any waiver granted to Thales to all similarly situated manufacturers. Accordingly, the Commission should apply any waiver granted in this proceeding to any similarly situated manufacturers who can comply with the Commission’s waiver conditions.

## **3. Applying the Waiver to All Authorized Users**

AASHTO proposes that any waiver granted in this proceeding contain a condition which specifies: “Equipment manufactured and marketed to operate in the guardband may only be acquired by public safety entities currently authorized for guardband spectrum operation.”<sup>3</sup>

As to this proposal, ITTF COMM notes that while the Commission has issued waivers for guardband operation to certain *licensees* in charge of deploying 700 MHz public safety systems, there are numerous authorized *users* of such systems, *all of which must be permitted to operate the multi-band radios that are the subject of the waiver in this proceeding*. Unless all authorized users of equipment on these systems are permitted to acquire and operate the equipment subject to the waiver in this proceeding, the public safety interoperability benefits specified in Thales’ Waiver Request will not be achieved. For example, for Illinois, while the Commission has issued a waiver for temporary guardband operation to “The State of Illinois, Illinois State Police”,<sup>4</sup> there are numerous entities authorized to operate radio equipment on the Illinois STARCOM21 system in addition to the Illinois State Police. Such additional authorized users of equipment on the STARCOM21 system include, but are not limited to The Argonne National Laboratory, the Illinois Commerce Commission, the Illinois Department of Corrections, the Illinois Department of Natural Resources, the Illinois State Toll Highway Authority, as well as various public health departments and other city and county facilities and offices.<sup>5</sup> Accordingly,

---

<sup>1</sup> See Comments of NPSTC at p.3; Comments of AASHTO at p.3; Comments of PSST at p.3; Comments of Motorola at p.4-6; Comments of SIEC at p.1-2.

<sup>2</sup> See e.g., Thales Waiver Request at p. 4-8; Comments of PSST at p.3; Comments of Motorola at p.4-7.; Comments of SIEC at p.1-2.

<sup>3</sup> Comments of AASHTO at p.3.

<sup>4</sup> Implementing a Nationwide, Broadband, Interoperable Public Safety Network in the 700 MHz Band; Development of Operational, Technical and Spectrum Requirements for Meeting Federal, State and Local Public Safety Communications Requirements Through the Year 2010, PS Docket No. 06-229, WT Docket No. 96-86, Order, DA 08-1696 (rel. July 18, 2008) (“*Illinois Order*”).

<sup>5</sup> See, e.g., Letter dated October 23, 2007, from Lt. Deb Garde, Illinois State Police to Marlene Dortch, Secretary, p.2, PS Docket No. 06-229; WT Docket No. 96-86 (certifying number of radios on the STARCOM21 system and requesting waiver for temporary continued guardband operations) .